

15-16 are generic to both OFCM and CDMA communication methods identified by the Examiner in the Requirement. Accordingly, Applicants respectfully request reconsideration of the Requirement to correctly identify that claims 1, 6-11, and 15-16 are generic to both Invention I, drawn to an OFCM communication method and Invention II, drawn to a CDMA communication method for consideration on the merits.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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